IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 12690 of 2004

Between:

Swinder kaur W/o late Man Mohan Singh
R/o 43-4-1, Subbalakshmi Nagar, Visakhapatnam

..... PETITIONER

AND

Recovery Officer, Debts Recovery Tribunal, Dwarakanagar, Visakhapatnam

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Certiorari calling for the records relating to the recovery certificates issued in O.A. No. 928/97 and O.A. No. 930/97 dated 5-9-2002 on the file of Debt Recovery Tribunal, Visakhapatnam in respect of petitioners 1/2 share of the house bearing No. 43-4-1 situated at subbalaxminagar, Visakhapatnam and declare the same as bad and illegal and not binding on the petitioner

Counsel for the Petitioner : MR.P.PRABHAKAR REDDY

Counsel for the Respondent No.: MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court, at the stage of admission, made the following :

ORDER: (Per Sri BRSR.J)

The learned counsel for the petitioner Sri P.Prabhaker Reddy, during the course of hearing of this writ petition conceded that an appeal against the impugned order lies before the appellate Tribunal. In such view of the matter, we are not inclined to interfere with the impugned order made in O.A.Nos.928 and 930 of 1997 dated 5.9.2002.

Leave is accordingly granted to the petitioner to avail such remedies as may be available to her in law. In such an event, the matter shall be considered on its own merits uninfluenced by the dismissal of this writ petition since we have not expressed any opinion on the merits and with regard to any of the contentions raised in the writ petition. It shall be open to the petitioner to raise all such contentions, which are raised in this writ petition and such other contentions as may be available to her in law. The application, if any to be filed by the petitioner to condone the delay, if any, in filing the appeal shall be sympathetically and positively considered by the appellate Tribunal in the facts and circumstances of the case.

The writ petition is accordingly dismissed. No costs.

ASSISTANT REGISTRAR

dt.27..7..2004

msv

// TRUE COPY //

SECTION OFFICER

Copies to:

1. The Recovery Officer, Debts Recovery Tribunal, Dwarakanagar, Visakhapatnam

2. Two C.D.copies